

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of Pay  
Telephone Certificate No. 5232  
issued to Florida Coast Systems  
Inc. for violation of Rules 25-  
4.0161, F.A.C., Regulatory  
Assessment Fees;  
Telecommunications Companies,  
and 25-24.520, F.A.C., Reporting  
Requirements.

DOCKET NO. 981487-TC  
ORDER NO. PSC-99-1174-FOF-TC  
ISSUED: June 8, 1999

The following Commissioners participated in the disposition of  
this matter:

JOE GARCIA, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
JULIA L. JOHNSON  
E. LEON JACOBS, JR.

ORDER VACATING IN PART ORDER NO. PSC-99-0100-FOF-TC

BY THE COMMISSION:

Florida Coast Systems Inc. (Florida Coast Systems) currently holds PATS Certificate No. 5232 issued by the Commission on October 8, 1997, authorizing the provision of pay telephone service. The Division of Administration advised our staff by memorandum that Florida Coast Systems had not paid the regulatory assessment fees (RAFs) required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the year 1997. Also, accrued statutory penalties and interest charges for late RAFs payments for the year 1997 had not been paid.

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PSC RECORDS/REPORTING

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Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual RAF of \$50 if the certificate was active during any portion of the calendar year. Pursuant to Rule 25-4.0161(2), Florida Administrative Code, the form and applicable fees are due to the Florida Public Service Commission by January 30 of the subsequent year. All entities that apply for certification receive a copy of our rules governing pay telephone service. All applicants must attest that the rules have been received and understood by the applicant. An affidavit must be attached to the application in order for the application to be processed.

Pursuant to Section 350.113(4), Florida Statutes, the RAFs forms, for the period of January 1 through December 31, are mailed to entities at least 45 days prior to the date that payment of the fee is due. The Commission's correspondence regarding the RAFs was not returned with the certified receipt or an unopened envelope.

On January 20, 1999, Order No. PSC-99-0100-FOF-TC was issued, to impose a \$500 fine for non-payment of the fees and accrued statutory penalties and interest charges. Florida Coast Systems had until February 10, 1999, to protest the order and until February 17, 1999, to pay the fine and the past due RAFs, along with accrued statutory penalties and interest charges, or its certificate would be canceled. Subsequently, the company responded to the Order by letter dated January 27, 1999. In this letter, the company provided proof that it had paid the 1997 regulatory assessment fees on a timely basis. However, the company's response did not provide the information required in the Order concerning the reporting requirements violation or pay the \$500 fine.

For the reason described above, we find that the \$500 fine imposed to Florida Coast Systems for apparent violation of the regulatory assessment fees is not appropriate since it appears that the company made the payment in a timely manner. Therefore, we find it appropriate to vacate the portion of Order No. PSC-99-0100-FOF-TC for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies. However, we find the portion of Order No. PSC-99-0100-

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FOF-TC imposing a \$500 fine for the reporting requirements violations is valid.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the portion of Order No. PSC-99-0100-FOF-TC imposing a fine for regulatory assessment fee violations is hereby vacated. It is further

ORDERED that the portion of Order No. PSC-99-0100-FOF-TC imposing a fine for reporting requirements violation is valid. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 8th day of June, 1999.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

CBW

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as

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well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.